

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HELEN ABDOUCH,
A Resident of Nebraska

Plaintiff

COMPLAINT

v.

Ken Lopez, individually as a
Resident of Massachusetts
And as owner and operator
Of Defendant Lopez Bookseller, a
Massachusetts business

Defendants

COMES NOW Plaintiff Helen Abdouch, a resident of Nebraska and a private person and for her cause of action against the Defendant Ken Lopez, a resident of Massachusetts, individually and as owner and operator of Defendant Lopez Bookseller, a Massachusetts business states and alleges as follows:

I JURISDICTION

This court has jurisdiction of this matter under 28 USC 1332 diversity of citizenship and the amount in question exceeds \$75,000.00, and 20 RRS Neb. 202, a copy of which is attached hereto as Exhibit 1.

II VENUE

This action is filed in this federal court for the District of Nebraska at Omaha in that the Plaintiff is a resident of Omaha, Nebraska, she suffered her injury in Nebraska, and she is protected by Nebraska law, 20 RRS Neb. 202, the Privacy Act.

III THE FACTS

1. That the Plaintiff Helen Abdouch is a citizen of the United States by birth, at all times material a resident of Omaha, Nebraska and a private person.
2. That Defendant Ken Lopez is a resident of Massachusetts where he owns and operates an online bookselling business known as Defendant Lopez Bookseller (lopezbooks.com) under the laws of Massachusetts and located at 51 Huntington Rd., Hadley, Massachusetts.
3. That at all times material Plaintiff has remained a private, non-commercial individual by choice.
4. That Defendant Lopez, purchased, from an undisclosed seller for re-sale in his business Defendant Lopez Bookseller, a pre-published copy of the book Revolutionary Road by author Richard Yates and inscribed to Helen Abdouch: “For Helen Abdouch—with admiration and best wishes, Dick Yates 8/19/63.”
5. That Defendant Lopez did an internet search for “Helen Abdouch” and found a brief reference to her as executive secretary of the Nebraska (John F.) Kennedy campaign in an October 10, 1960, Time Magazine article entitled: “DEMOCRATS: Little Brother is Watching” based on an interview with Robert F. Kennedy, campaign manager of his brother’s campaign.
6. That based on this article, Defendant Lopez wrote an advertisement for the sale of Abdouch’s book through his online catalogue linking Plaintiff to Yates through the Kennedy campaign, see Exhibit 2 and 3, attached hereto and incorporated herein as copies of the internet advertisements generated from Defendant Lopez Bookseller at lopezbooks.com.

7. That by his own admission, Defendant Lopez did not search the internet to determine whether Plaintiff Abdouch was still alive and assumed she was dead so he made no further effort.
8. That on May 25, 2011, Abdouch was informed by a friend about the fact that a picture of her book with a copy of Yates' inscription was online for sale by Defendant Ken Lopez Bookseller and that her name and identity as the 1960 executive secretary for the Nebraska (John F.) Kennedy campaign was featured in a commercial advertisement to sell the Yates book inscribed to her.
9. That Defendant Ken Lopez, personally and as owner and operator of Defendant Lopez Bookseller, on or about June, 2011, admitted to Plaintiff Abdouch's agent that the book was sold three years earlier, yet the advertisement was still kept online after that.
10. Plaintiff Abdouch, living in Omaha, where she lived most of her life, received copies of advertisements for the book generated from the Lopez online site with the identical language from the Lopez ad, See Exhibits 2 and 3.
11. At no time has Plaintiff Abdouch owned a computer, therefore she had no prior knowledge before May 25, 2011, when a friend sent her copies off of the internet, of the whereabouts of her book and the fact that Defendant Ken Lopez, individually and as owner and operator of Defendant Lopez Bookseller (lopezbooks.com) was using her name and identity to advertise her book for sale.
12. That as a result of Lopez's actions individually and as owner and operator of Defendant Lopez Bookseller, Plaintiff suffered invasion of her privacy and

harm by the Defendants by the commercial use of her name and identity for the purpose of selling her copy of the Yates book for over three years to promote the commercial business of Lopez Bookseller.

13. That Plaintiff Helen Abdouch has suffered the harm of invasion of privacy by the use of her name and identity for commercial purposes without her consent by the Defendant Ken Lopez individually and as owner and operator of Defendant Lopez Bookseller.

14. That Plaintiff Helen Abdouch has suffered actual damages of \$10,000.00, distress over the invasion of her privacy and by the use of her name and identity for commercial purposes without her consent, and for the costs of this action and for whatever further relief the court may deem just.

WHEREFORE the Plaintiff Helen Abdouch prays for judgment against the Defendant Ken Lopez, individually, and as owner and operator of Defendant Lopez Bookseller, actual damages in the amount of \$10,000.00 and compensatory damages, for the costs of this action, for a jury trial in Omaha, Nebraska, and for what further relief that the court may deem just.

HELEN ABDOUCH, Plaintiff
s/ Mary Kay Green

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